IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.17838 of 2006**

DATE OF DECISION: November 13, 2006

SUCHET SINGH ...PETITIONER

VERSUS

FINANCIAL COMMISSIONER AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MRS. JUSTICE NIRMAL YADAV.

PRESENT: MR. ARUN JAIN, ADVOCATE FOR THE PETITIONER.

ASHUTOSH MOHUNTA, J. (ORAL)

The challenge in the writ petition is to the order, Annexure P-3 dated 17.1.2003, passed by the Financial Commissioner by which respondent No.4, Amolak Singh has been appointed as Lambardar of village Khanora, District Hoshiarpur. Counsel for the petitioner has contended that respondent No.4 had not even applied initially when applications were invited for the post of Lambardar. It is next contended that the petitioner is more meritorious as he worked as Sarbara Lambardar after the death of his father.

As far as the first submission of the counsel for the petitioner is concerned that respondent No.4 had not applied initially, it has been observed from the facts mentioned in the order of the Commissioner that fresh *munadi* was got conducted in the village inviting fresh applications. Thus, respondent No.4 was well within his rights to apply for the post of Lambardar and hence the fact that respondent No.4 did not apply initially cannot be said to be any impediment as he had applied when fresh proclamation was done.

As far as the merits of both the candidates are concerned, a perusal of the impugned order shows that the petitioner is 66 years old and is matriculate, has retired as a Draughtsman from the PWD Department and owns 46 kanal and 16 marlas of land, whereas on the other hand, respondent No.4 is 56 years of age and is graduate and has served in the Air Force for 20 years and owns 80 kanals 15 marlas of land.

Thus, respondent No.4 is a better candidate than the petitioner and has rightly been appointed as Lambardar.

No merit. Dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

November 13, 2006
Gulati

(NIRMAL YADAV)
JUDGE